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ATTORNEY DOCKET NO. LOGIN-RENEWAL/SCH
Serial No.: 09/681,570

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott C. Harris	Group Art Unit 2137
Appl. No.	:	09/681,570	
Filed	:	May 1, 2001	
For	:	LOGIN RENEWAL BASED ON DEVICE SURROUNDINGS	
Examiner	:	Minh Nguyen	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.

*Total of   1   forms are submitted.

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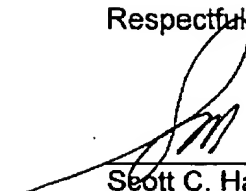
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Respectfully submitted,

Date: 9/16/05

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The rejection of claims 1, 3, 6, 9 and 13 based on Murphy in view of Guthrie is respectfully traversed.

Claim 1 defines a computer peripheral, that detects information about a first surrounding, a computer that runs a routine "which allows a user to identify themselves to the computer and controls access to the computer based on said identify", and where the computer determines the first surrounding at a time of identification, maintains the computer unlocked while the computer is within the first surrounding, and causes the computer to lock when the computer is detected to have moved from the first surrounding by a predetermined and relative amount. Note an important feature of this claim, ignored by the rejection, is that the computer must be detected to have moved from "the first surrounding", that is, the surrounding that the computer "determines at the time of identification.

Considering the scope and content of the prior art, Murphy teaches a decryption chip. That decryption chip is licensed only for use in a specified market. It can only be used in that market. The chip has a built-in positioning system. When the chip is moved outside the market, the positioning system detects that, and the chip is disabled. This teaches nothing about login, and has no teaching that could reasonably be applied to a login. Further, Murphy teaches nothing about the claim limitation of determining "a first surrounding at a time of user identification". In fact, this feature seems foreign to the whole notion of a region-specific chip. Murphy would never need to detect this "first surrounding".

Guthrie teaches a basic login system. The rejection reasons that the region locking of Murphy could be used with a login system of Guthrie. It has been previously argued by the undersigned that Murphy teaches nothing about relative distance. The rejection reads this on column 8, lines 1 through 6 of Murphy, which describes how the receiver/processor 203I has the location coordinates x,y,z of the licensed site and coordinates of a region that is centered at that location. Collumn 8 describes that the diameter may vary with the location of the site and the circumstances. However, even if the diameter of the region may vary, this suggests nothing about causing the computer to lock when the computer is detected to have moved from the "first surrounding" by a

predetermined and relative amount. In fact, column 8 appears to teach away from the predetermined amount, since it states that the diameter may vary with the circumstances.

It is entirely hindsight to combine a region specific decryption chip such as Murphy, with a login system such as Guthrie. The mere combination between the two is based on hindsight and based on the teaching of the present application, not based on the contents of the prior art. Therefore, with all due respect, this is an improper combination.

Even if combined, this teaches nothing about causing the computer to lock when movement by a predetermined and relative amount is detected. Moreover, note that all teaching in Murphy is about the location coordinates of the licensed site, see for example column 8, lines 13-14. There is no teaching or suggestion of a "first surrounding", determined "at a time of user identification", much less using that first surrounding for any purpose.

Even if Murphy and Guthrie were combined, the hypothetical combination still would not teach or suggest the computer that "determines a first surrounding at a time of user identification". The hypothetical combination would be a Murphy type system in which licensed site coordinates were maintained, along with a login system such as shown in Guthrie.

Claim 8 is rejected based on Murphy in view of Guthrie and further in view of Jones. With all due respect, Murphy in view of Guthrie would not be operatively combined by one having ordinary skill in the art for reasons discussed above. Jones defines obtaining additional security information before allowing access to resources. However, this reference is cited while entirely ignoring the context of the claim. Claim 8 requires allowing the continued access "only so long as the second surroundings information does not differ from said first surroundings information by more than a specified relative amount of distance". If it so differs, the new security operation is required to obtain the access. While Jones does teach a new security operation in certain circumstances, it does not teach that those circumstances relate to differences between the surroundings information as claimed.

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For these reasons, reversal of the rejection is requested.

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